

**ARKANSAS SENATE**  
85th General Assembly - Regular Session, 2005  
**Amendment Form**

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**Subtitle of Senate Bill No. 401**

"AN ACT TO AMEND THE CRIMINAL BACKGROUND CHECK ACT."

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**Amendment No. 2 to Senate Bill No. 401.**

Amend Senate Bill No. 401 as engrossed, S2/23/05 (version: 02-23-2005 09:12):

Page 1, delete lines 32 through 36 and substitute:

"(4)(A)(i) "Criminal history check" means a criminal history report limited to convictions for offenses to which a person has pleaded guilty or nolo contendere, or of which he or she has been found guilty, regardless of any subsequent expungement of the conviction from the person's criminal record.

(ii) An expunged conviction shall be included in a criminal history report only if the plea or trial occurred after the effective date of this subdivision (4).

(B) "Criminal history check" does not include:

(i) A conviction reversed by an appellate court;  
(ii) A conviction vacated by a trial or appellate court pursuant to post-conviction procedures or a petition for writ of habeas corpus;

(iii) A conviction for which a person has been pardoned;

(iv) A prosecution terminated by an acquittal, dismissal, or nolle prosequi; or

(v) An arrest that does not result in a conviction;"

AND

Page 2, delete lines 1 and 2.

AND

Page 5, on line 24, after "criminal record" insert ", but not including matters excluded from a criminal history check under § 21-15-101(4)(B)"

AND

Page 9, on line 15, after "criminal record" insert ", but not including matters excluded from a criminal history check under § 21-15-101(4)(B)"



AND

Page 15, on line 31 after "criminal record" insert ", but not including matters excluded from a criminal history check under § 21-15-101(4)(B)"

AND

Page 19, on line 9, after "criminal record" insert ", but not including matters excluded from a criminal history check under § 21-15-101(4)(B)"

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator Faris

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Secretary